

House File 571 - Reprinted

HOUSE FILE 571
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 139)

(As Amended and Passed by the House March 26, 2025)

A BILL FOR

1 An Act relating to protections for medical practitioners,
2 health care institutions, and health care payors including
3 those related to the exercise of conscience, whistleblower
4 activities, and free speech, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SHORT TITLE. This Act shall be known and may be
2 cited as the "Medical Ethics Defense Act".

3 Sec. 2. NEW SECTION. **135S.1 Definitions.**

4 As used in this chapter, unless the context otherwise
5 requires:

6 1. a. "Conscience" means the ethical, moral, or religious
7 beliefs or principles held by a medical practitioner, health care
8 institution, or health care payor.

9 b. With respect to persons who are institutions,
10 corporations, or other legal entities, "conscience" is determined
11 by reference to that entity's governing documents including but
12 not limited to published ethical, moral, or religious guidelines
13 or directives, mission statements, constitutions, articles of
14 incorporation, bylaws, policies, or regulations.

15 2. "Discrimination" means an adverse action, including but
16 not limited to any penalty, disciplinary, or retaliatory action
17 taken against, or a threat of adverse action communicated to,
18 a medical practitioner, health care institution, or health care
19 payor as a result of the refusal of the medical practitioner,
20 health care institution, or health care payor to participate in a
21 health care service on the basis of conscience. "Discrimination"
22 not does include the negotiation or purchase of insurance or a
23 health care service by a nongovernmental entity or individual,
24 the refusal to use or purchase insurance or a health care
25 service by a nongovernmental entity or individual, or a health
26 care institution's good-faith effort to accommodate a medical
27 practitioner's, health care institution's, or health care payor's
28 exercise of conscience.

29 3. "Health care institution" means an organization,
30 corporation, partnership, association, agency, network, sole
31 proprietorship, joint venture, or other entity that provides a
32 health care service.

33 4. "Health care payor" means an employer; a health plan; a
34 management services organization; any entity, including a health
35 service corporation, health maintenance organization, or any

1 similar corporation or organization, or an employer offering
2 self-insurance, that provides a health benefit plan; or any other
3 entity that pays for or arranges for payment, in whole or in
4 part, for a health care service.

5 5. "*Health care service*" means medical research and medical
6 care provided to a patient or client at any time during
7 the patient's or client's course of treatment, including but
8 not limited to testing; diagnosis; record making; referral;
9 prescribing, dispensing, or administering any drug, medication,
10 or device; therapy or counseling; and preparation or arrangement
11 for a surgical procedure.

12 6. "*Medical practitioner*" means a person who facilitates
13 or participates, or who is asked to facilitate or participate
14 in a health care service, including but not limited to a
15 health-related professional licensed by a board designated in
16 section 147.13, and any other person licensed, certified, or
17 otherwise authorized or permitted by the laws of this state
18 to administer a health care service in the ordinary course
19 of business or in the practice of a profession. "*Medical*
20 *practitioner*" includes any student enrolled in an educational
21 institution who is a prospective medical practitioner.

22 8. "*Participate in a health care service*" means to provide,
23 perform, assist with, facilitate, refer for, provide counseling
24 for, advise with regard to, admit for the purposes of providing,
25 or take part in a health care service in any way.

26 Sec. 3. NEW SECTION. **135S.2 Exercise of conscience for**
27 **health care institutions, health care payors, and medical**
28 **practitioners — exception.**

29 1. a. A medical practitioner, health care institution, or
30 health care payor has the right not to participate in or pay for
31 a health care service that violates the medical practitioner's,
32 health care institution's, or health care payor's conscience.
33 This paragraph shall not be construed to waive or modify a duty
34 a medical practitioner, health care institution, or health care
35 payor may have to participate in or pay for a health care service

1 that does not violate the medical practitioner's conscience.

2 b. A medical practitioner, health care institution, or health
3 care payor who refuses to participate in a health care service
4 under this section shall not be discriminated against for the
5 medical practitioner's, health care institution's, or health care
6 payor's exercise of conscience.

7 2. A health care payor shall not decline to pay for a
8 health care service due to a medical practitioner's, health care
9 institution's, or health care payor's refusal to participate in a
10 health care service under this section if the health care payor
11 is contractually obligated to pay for the health care service.

12 3. This section shall not be construed to relieve a health
13 care institution of the requirement to provide emergency medical
14 services to individuals as required under 42 U.S.C. §1395dd.

15 4. Notwithstanding any other provision of this chapter to
16 the contrary, a medical practitioner, health care institution,
17 or health care payor that holds itself out to the public
18 as religion-based, states in the entity's governing documents
19 that the entity has a religious purpose or mission, and that
20 has internal operating policies or procedures that implement
21 the entity's religious beliefs, shall have the right to
22 make employment, staffing, contracting, and admitting privilege
23 decisions consistent with the entity's religious beliefs.

24 Sec. 4. NEW SECTION. **135S.3 Exercise of conscience —**
25 **immunity.**

26 1. A medical practitioner, health care institution, or health
27 care payor shall not be civilly, criminally, or administratively
28 liable for the medical practitioner's, health care institution's,
29 or health care payor's good faith exercise of conscience.

30 2. A health care institution shall not be civilly,
31 criminally, or administratively liable for the good faith
32 exercise of conscience by a medical practitioner employed,
33 contracted, or granted admitting privileges by the health care
34 institution.

35 Sec. 5. NEW SECTION. **135S.4 Whistleblower protections.**

1 1. A medical practitioner, health care institution, or health
2 care payor shall not be discriminated against because the medical
3 practitioner, health care institution, or health care payor does
4 any of the following:

5 a. Provides, causes to be provided, or intends to provide
6 or cause to be provided information relating to a suspected
7 violation of this chapter to the medical practitioner's, health
8 care institution's, or health care payor's employer, the attorney
9 general, any state agency charged with protecting health care
10 rights of conscience, the United States department of health and
11 human services, the United States commission on civil rights,
12 or any other federal agency charged with protecting health care
13 rights of conscience.

14 b. Testifies or intends to testify in a proceeding concerning
15 a violation of this chapter.

16 c. Assists or participates, or intends to assist or
17 participate, in a proceeding under this chapter.

18 2. It shall be unlawful to discriminate against a medical
19 practitioner, health care institution, or health care payor
20 because the medical practitioner, health care institution,
21 or health care payor discloses information that the medical
22 practitioner, health care institution, or health care payor
23 reasonably believes evidences any of the following:

24 a. A violation of any law or rule.

25 b. A violation of any standard of care or ethical guidelines
26 for the provision of any health care service.

27 c. Gross mismanagement, a gross waste of funds, an abuse of
28 authority, practices or methods of treatment that may put patient
29 or client health at risk, or a substantial and specific danger to
30 public health or safety.

31 3. This section shall not be construed to exempt a person
32 from the requirements of the federal Health Insurance Portability
33 and Accountability Act of 1996, Pub. L. No. 104-191, including
34 amendments thereto and regulations promulgated thereunder, or any
35 other applicable confidentiality and patient or client privacy

1 requirements.

2 Sec. 6. NEW SECTION. **135S.5 Free speech protections —**
3 **notification of complaints — penalty.**

4 1. The department of health and human services, a licensing
5 board designated under chapter 147, or any other state
6 licensing or certifying entity of a medical practitioner shall
7 not reprimand, sanction, or revoke or threaten to revoke a
8 license or certification of a medical practitioner, health care
9 institution, or health care payor who is licensed or certified
10 by the department, licensing board, or other licensing or
11 certifying entity, for engaging in speech, expressive activity,
12 or association protected under the first amendment to the
13 Constitution of the United States, unless the department,
14 licensing board, or other licensing or certifying entity
15 demonstrates by clear and convincing evidence that the medical
16 practitioner's, health care institution's, or health care payor's
17 speech, expressive activity, or association was the direct cause
18 of physical harm to a person with whom the medical practitioner,
19 health care institution, or health care payor had a medical
20 practitioner-patient or medical practitioner-client relationship
21 within the three years immediately preceding the incident of
22 physical harm.

23 2. a. Within twenty-one days of receipt of a complaint
24 that alleges a violation of speech, expressive activity,
25 or association protected under subsection 1 that may result
26 in revocation of a medical practitioner's, health care
27 institution's, or health care payor's license, certification, or
28 registration, the department, licensing board, or other licensing
29 or certifying entity shall provide the medical practitioner,
30 health care institution, or health care payor with a copy of the
31 complaint.

32 b. If the department, licensing board, or other licensing
33 or certifying entity fails to provide a copy of the complaint
34 to the medical practitioner, health care institution, or health
35 care payor within twenty-one days of receipt, the department,

1 licensing board, or other certifying entity shall pay the medical
2 practitioner, health care institution, or health care payor an
3 administrative penalty of five hundred dollars for each day of
4 noncompliance.

5 3. The state shall not contract with, recognize, approve,
6 or require a medical practitioner, health care institution, or
7 health care payor to obtain a certification or credential issued
8 or approved by the department of health and human services,
9 a licensing board designated under chapter 147, or any other
10 licensing or certifying entity of a medical practitioner, health
11 care institution, or health care payor that revokes or refuses to
12 issue a certification or credential to the medical practitioner,
13 health care institution, or health care payor if the medical
14 practitioner, health care institution, or health care payor is in
15 compliance with this chapter and did not provide medical advice
16 or treatment to a patient or client.

17 Sec. 7. NEW SECTION. **135S.6 Unlawful interference —**
18 **relief.**

19 1. It is unlawful for a person to interfere or attempt to
20 interfere with the exercise of conscience not to participate in
21 a health care service, or in the whistleblower or free speech
22 rights and protections under this chapter, whether by duress,
23 coercion, or any other means.

24 2. A health care institution, health care payor, or medical
25 practitioner that alleges injury by unlawful interference by a
26 person under this chapter may bring a civil action in a court
27 of competent jurisdiction. If a court of competent jurisdiction
28 finds a person liable under this section, the court may order any
29 of the following:

30 a. Injunctive relief, when appropriate, including but not
31 limited to reinstatement of a medical practitioner to the
32 medical practitioner's previous position, or reinstatement
33 or reactivation of licensure or certification of a medical
34 practitioner, or reactivation or reinstatement of licensure of a
35 health care institution or a health care payor.

1 b. Monetary damages for injuries suffered.

2 c. Reasonable costs and attorney fees.

3 3. The rights, remedies, and prohibitions contained in this
4 chapter shall be in addition to and cumulative of any other
5 right, remedy, or prohibition accorded by common law or state
6 or federal law. This chapter shall not be construed to deny,
7 abrogate, or impair any such common law or statutory right,
8 remedy, or prohibition.

9 4. Any additional burden or expense to another medical
10 practitioner, health care institution, or health care payor
11 arising from the exercise of conscience pursuant to this chapter
12 shall not be a defense to a violation of this chapter.

13 5. A person shall not bring a civil action against a person
14 who declines to use or purchase a health care service from
15 a medical practitioner, health care institution, or health
16 care payor because of the medical practitioner's, health care
17 institution's, or health care payor's exercise of conscience
18 under this chapter.

19 Sec. 8. NEW SECTION. **135S.7 Severability.**

20 If any provision of this chapter or its application to any
21 person or circumstance is held invalid, the invalidity shall not
22 affect other provisions or applications of this chapter which can
23 be given effect without the invalid provision or application, and
24 to this end the provisions of this chapter are severable.